

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY N. SHEW,
Plaintiff,

v.

COMMUNITY CHOICE CREDIT
UNION et al.,
Defendants.

Case No. 23-12954
Honorable Shalina D. Kumar
Magistrate Judge Anthony P. Patti

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 27),
DENYING AS MOOT DEFENDANTS' MOTION TO DISMISS (ECF NO.
5), AND GRANTING DEFENDANTS COMMUNITY CHOICE CREDIT
UNION AND DELUCA'S MOTION TO DISMISS (ECF NO. 8) AND
DEFENDANT CUNNINGHAM'S MOTION TO DISMISS (ECF NO. 22)**

Plaintiff Larry N. Shew, proceeding pro se, brought this action against defendants Community Choice Credit Union ("CCCU"), Steven DeLuca, an attorney for CCCU, and Oakland County Circuit Judge Jacob J. Cunningham, alleging violations of his Fourteenth Amendment due process rights during a state court proceeding involving defendants. ECF No. 6. This case was referred to the assigned magistrate judge for all pretrial purposes. ECF No. 21.

CCCU and DeLuca filed a motion to dismiss on December 12, 2023. ECF No. 5. After Shew filed an amended complaint, CCCU and DeLuca

filed another motion to dismiss on January 9, 2024. ECF No. 8.

Cunningham likewise filed a motion to dismiss on February 20, 2024. ECF No. 22.

After briefing, the magistrate judge issued a Report and Recommendation (R&R) on August 8, 2024. ECF No. 27. The R&R recommends that the Court deny as moot CCCU and DeLuca's first motion to dismiss (ECF No. 5) because it is superseded by an amended complaint and CCCU and DeLuca's second motion to dismiss. *Id.* The R&R further recommends that the Court grant CCCU and DeLuca's second motion to dismiss (ECF No. 8) and Cunningham's motion to dismiss (ECF No 22)—principally because the operative complaint fails to state valid claims against defendants. *Id.* At the conclusion of the R&R, the magistrate judge advised the parties that they may object to and seek review of the R&R within fourteen (14) days of the date the R&R was issued. *Id.* After 14 days, neither party has filed objections to the R&R.

The Court has reviewed the record. It hereby **ADOPTS** the R&R and enters the R&R as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that CCCU and DeLuca's December 12, 2024 motion to dismiss (ECF No. 5) is **DENIED AS MOOT**. **IT IS FURTHER ORDERED** that CCCU and DeLuca's second motion to dismiss (ECF No. 8) and Cunningham's motion to dismiss (ECF No 22) are **GRANTED**. No claims remain and the case is therefore closed.

Dated: August 22, 2024

s/Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge